

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 8

DATE: October 18, 2016

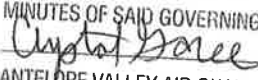
RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 219 – *Equipment Not Requiring a Permit*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rule 219 – *Equipment Not Requiring a Permit* and directing staff actions.

SUMMARY: Rule 219 is proposed for amendment to address a more detailed interpretation by the California Air Resources Board (CARB) of Senate Bill (SB) 700 provisions. The amendment will also update Rule 219 provisions applying to welding and coating or adhesive application or laminating equipment.

BACKGROUND: The Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin. SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them.

The AVAQMD amended Rule 219 on January 18, 2011 to implement portions of the provisions of Senate Bill (SB) 700 by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources. Subsequent to this amendment, the California Air Resources Board (CARB) provided a more detailed interpretation on the provisions in SB 700 relating to the permitting thresholds for minor agricultural sources. SB 700 requires districts in California to permit agricultural sources with actual emissions at or above one half the major source threshold and prohibits districts from permitting agricultural sources with actual emissions less than one half the major source threshold. CARB had never defined

Cc: Barbara Lods

I, CRYSTAL GOREE, DEPUTY CLERK OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A
FULL, TRUE AND CORRECT COPY OF THE RECORD OF
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL
MINUTES OF SAID GOVERNING BOARD MEETING
 DEPUTY CLERK OF THE BOARD
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

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which major source threshold should be referred to for permitting agricultural sources ((1) the State implementation Plan (SIP) -approved threshold, (2) the most recent locally adopted threshold, or (3) the threshold corresponding with the current federal attainment status in 40 CFR 81.305). CARB has clarified that the permitting threshold for minor agricultural sources should be the most stringent of any major source threshold. The AVAQMD must now amend Rule 219 in accordance with the CARB interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major source threshold.

The exemption for welding is also proposed for modification to reflect requirements in the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including welding. Proposed rule language has been derived from South Coast Air Quality Management District (SCAQMD) Rule 219.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the Amendment of Rule 219 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed as to legal form by Karen Nowak, District Counsel and by Bret Banks, Executive Director/APCO on or before October 3, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Executive Director/APCO

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ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by LAWSON, Seconded by HOFBAUER, as approved by the following vote:

**Ayes: 7 CRIST, HAWKINS, CHELETTE, MANN, DISPENZA, LAWSON,
HOFBAUER**

Noes:

Absent: 1 LEDFORD.

Abstain:

Vacant:

CRYSTAL GOREE, DEPUTY CLERK OF THE GOVERNING BOARD

BY Crystal Goree

Dated: OCTOBER 18, 2016

Resolution 16-03, Titled, "A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 219-EQUIPMENT NOT REQUIRING A PERMIT AND DIRECTING STAFF ACTIONS."